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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,689	10/22/2003	Masanori Igarashi	032405RT158	4898
441	7590	07/07/2004	EXAMINER	
SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			CHENEVERT, PAUL A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,689

Applicant(s)

IGARASHI ET AL.

Examiner

Paul A. Chenevert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031022.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because of the following minor informalities:
 - a. In Figure 2, the arrow tip on the lead line for reference number 31b should be removed and the lead line should be moved towards the 'through hole' located in the center of the pipe (31). An arrow tip could be placed on the lead line for reference number 31.
 - b. In Figure 15, one of the reference number 57's should be changed to 60.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 32c in Figure 2.
4. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

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replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
 - a. Page 2, line 6, "Fig. 2" should be changed to "Fig. 29".
 - b. Page 2, line 17, "113" should be changed to "112".
 - c. Page 13, line 21, "3" should be changed to "7".
 - d. Page 14, line 3, "21" should be inserted after "crossmember".
 - e. Page 17, line 14, "to" should be inserted before "each other".
 - f. Page 17, line 19, "frame connecting portion 26b" should be changed to "crossmember connecting portion 26a".
 - g. Page 18, line 3, "27" should be changed to "26".
 - h. Page 18, line 11, "to" should be inserted before "each other".
 - i. Page 18, line 13, "frond" should be changed to "front".
 - j. Page 19, line 11, "bush" should be changed to "bushing".
 - k. Page 19, line 18, "27g" should be changed to "2g".
 - l. Page 20, line 4, "volt" should be changed to "bolt".
 - m. Page 24, lines 3 & 24, "11" should be changed to "21".

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- n. Page 24, lines 8, 11, & 13, "22a" should be changed to "22b".
- o. Page 24, line 22, "22a" should be changed to "21a".
- p. Page 26, line 2, "22a" should be changed to "21a".
- q. Page 26, line 20, "11" should be changed to "21".
- r. Page 29, line 1, "22a" should be changed to "21a".
- s. Page 29, lines 5 & 8, "second" should be changed to "first".
- t. Page 29, line 10, "first" should be changed to "second".
- u. Page 29, line 10, "22" should be inserted after "crossmember".
- v. Page 29, line 17, "11" should be changed to "21".
- w. Page 36, line 11, "inter" should be changed to "inner".
- x. Page 38, line 21, "first" should be changed to "second".
- y. Page 39, line 19, "54A" should be changed to "53a".
- z. Page 39, lines 21 & 23, "front" should be changed to "rear".
- aa. Page 40, line 11, "1" should be changed to "5".
- bb. Page 41, line 6, "crossmember 58" should be changed to "crossmember 57".
- cc. Page 41, line 12, "52B" should be changed to "52A".
- dd. Page 41, line 15, "51" should be changed to "52".
- ee. Page 41, line 24, "57" should be changed to "53".
- ff. Page 42, line 23, "front end 52b of the front" should be changed to "rear end 51b of the rear".
- gg. Page 44, lines 5 & 10, "52b" should be changed to "51b".

Appropriate correction is required.

6. The incorporation of essential material in the specification on Page 45, line 13 by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Objections

7. Claims 1-12 are objected to because of the following informalities:
- a. Claim 1, line 14, "with" should be changed to "while".
 - b. Claim 2, line 14, "with" should be changed to "while".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schwede et al.

Schwede et al. disclose a rear structure of a vehicle body, as shown in Figure 3, provided with right and left rear side frames (21, 22) disposed on right and left sides of the body and extending in the fore-and-aft direction of the body, and crossmembers bridged between the right and left rear side frames; the crossmembers being approximately an X-shape in plan view and comprising a first crossmember (18') and a second crossmember (19'), the first crossmember having a front end connected to one of the rear side frames and a rear end connected to the other of the rear side frames, and extending in the rear direction of the body from the front end to the rear end while receding from one of the rear side frames, the second crossmember having a front end connected to the other of the rear side frames and a rear end connected to one of the rear side frames, and extending in the rear direction of the body from the front end to the rear end while receding from the other of the rear side frames and intersecting with the first crossmember to be connected to one of the rear side frames; wherein at least one of the front ends of the first and second crossmembers and the rear ends of the first and second crossmembers is connected to the rear side frames in the vicinity of a structure to be equipped with a suspension.

Allowable Subject Matter

10. Claims 5 & 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Claims 2-4, 6-8, & 10-12 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

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12. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's crossmembers directly connected to a suspension structure, the C-pillar, or the D-pillar.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haesters, Kosuge et al., Jaekel et al., and Teply et al. all teach vehicle structure joints. All other cited references teach off-center or diagonal structure bracing.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
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6/24/04

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
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